

**SIKKIM**



**GOVERNMENT**

**GAZETTE**

**EXTRAORDINARY  
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**Gangtok**

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**No. 369**

**ELECTION DEPARTMENT, GANGTOK**

**No.05/2014/Elec.**

**Dated Gangtok the 4<sup>th</sup> September, 2014.**

Order No. 3/4/ID/2014/SDR(Bye-HP&LA) Dated: - 28<sup>th</sup> August, 2014 of the Election Commission of India, Nirvachan Sadan, New Delhi is hereby re-published for general information.

**ELECTION COMMISSION OF INDIA  
Nirvachan Sadan, Ashoka Road, New Delhi-110001**

**No. 3/4/ID/2014/SDR(Bye-HP&LA)**

**Dated: - 28<sup>th</sup> August, 2014**

**ORDER**

1. Whereas, Section 61 of the Representation of the People Act, 1951 provides that with a view to preventing impersonation of electors, so as to make the right of genuine electors to vote under section 62 of that Act more effective, provisions may be made by rules under that Act for use of Electors Photo Identity Card for electors as the means of establishing their identity at the time of polling; and
2. Whereas, Rule 28 of the Registration of Electors Rules, 1960, empowers the Election Commission to direct, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, the issue of Electors Photo Identity Card to electors bearing their photographs at State cost; and
3. Whereas, Rules 49H (3) and 49K(2)(b) of the Conduct of Elections Rules, 1961, stipulate that where the electors of a constituency have been supplied with Electors Photo Identity Card under the said provisions of Rule 28 of the Registration of Electors Rules, 1960, the electors shall produce their Electors Photo Identity Card at the polling station and failure or refusal on their part to produce those Electors Photo Identity Card may result in the denial of permission to vote; and
4. Whereas, a combined and harmonious reading of the aforesaid provisions of the said Act and the Rules, makes it clear that although the right to vote arises by the existence of the name in the electoral roll, it is also dependent upon the use of the Electors Photo Identity Card, where provided by the Election Commission at State cost, as the means of establishing their identity at the time of polling and that both are to be used together; and
5. Whereas, the Election Commission made an Order on the 28<sup>th</sup> August, 1993, directing the issue of Electors Photo Identity Card (EPIC) to all electors, according to a time bound programme; and
6. Whereas, Electors Photo Identity Card have been issued to all registered electors in the States of Andhra Pradesh, Sikkim, Tripura & West Bengal, to more than 99% registered electors in the States of Gujarat, Uttar

Pradesh and Rajasthan, to more than 97% registered electors in the State of Chhattisgarh and to more than 94% registered electors in the State of Assam ; and

7. Whereas, the Commission has directed that '**Authenticated Photo Voters Slip**' shall be distributed to the electors before the date of poll for the current bye-elections to the House of the People from Andhra Pradesh, Gujarat & Uttar Pradesh and State Legislative Assemblies of Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Rajasthan, Sikkim, Tripura, Uttar Pradesh & West Bengal notified on 20-08-2014;

8. Now, therefore, after taking into account all relevant factors and the legal and factual position, the Election Commission hereby directs that for bye-elections to the House of the People from Andhra Pradesh, Gujarat & Uttar Pradesh and State Legislative Assemblies of Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Rajasthan, Sikkim, Tripura, Uttar Pradesh & West Bengal, which have been notified on 20-08-2014, all electors who have been issued EPIC shall produce the EPIC for their identification at the polling station before casting their votes. Those electors who are not able to produce the EPIC shall produce one of the following alternative photo identity documents for establishing their identity:-

- (i) Passport;
- (ii) Driving License;
- (iii) Service Identity Cards with photograph issued to employees by Central/State Govt. PSUs/Public Limited Companies;
- (iv) Passbooks with photograph issued by Bank/Post Office;
- (v) PAN Card;
- (vi) Aadhar Card;
- (vii) Smart Card issued by RGI under NPR;
- (viii) MNREGA Job Card;
- (ix) Health Insurance Smart Card issued under the scheme of Ministry of Labour;
- (x) Pension document with photograph; and
- (xi) Authenticated Photo Voter Slip issued by the election machinery.

9. In the case of EPIC, clerical errors, spelling mistakes, etc. should be ignored provided the identity of the elector can be established by the EPIC. If an elector produces an Electors Photo Identity Card, which has been issued by the Electoral Registration Officer of another Parliamentary Constituency & Assembly Constituency, such EPICs shall also be accepted for identification provided the name of that elector finds place in the electoral roll pertaining to the polling station where the elector has turned up for voting. If it is not possible to establish the identity of the elector on account of mismatch of photograph, etc. the elector shall have to produce one of the alternative photo documents mentioned in para 8 above.

10. Notwithstanding anything in Para 8 above, overseas electors who are registered in the electoral rolls under Section 20A of the Representation of the People Act, 1950, based on the particulars in their Passport, shall be identified on the basis of their original passport **only** (and no other identity document) in the polling station.

By Order,

Sd/-  
Ashish Chakraborty  
Secretary

D. ANANDAN, IAS  
CHIEF ELECTORAL OFFICER, SIKKIM